

ASSEMBLY BILL

No. 1829

Introduced by Assembly Member Liu

January 20, 2004

An act to add Chapter 3.55 (commencing with Section 12140) to Part 2 of Division 2 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1829, as introduced, Liu. Public contracts: services: domestic workers.

Existing law requires a state agency to comply with specified procedures in awarding agency contracts. Existing law authorizes a state agency to prohibit a person that is convicted of committing specified crimes from bidding on or being awarded agency contracts, as specified.

This bill would prohibit a state agency from contracting for services with a contractor or subcontractor unless that contractor or subcontractor certifies under penalty of perjury in his or her bid for the contract that the contract, and any subcontract performed under that contract, will be performed solely with workers within the United States. This bill would also specify that these provisions do not apply if the contractor or subcontractor certifies under penalty of perjury in his or her bid for the contract that the services to be performed under the contract are so specialized that there are not workers within the United States that are trained to perform the services.

By requiring contractors and subcontractors to make these certifications under penalty of perjury, this bill would create a new crime and thereby impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 3.55 (commencing with Section
2 12140) is added to Part 2 of Division 2 of the Public Contract Code,
3 to read:

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5 CHAPTER 3.55. OFFSHORING STATE SERVICE CONTRACTS

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7 12140. (a) Notwithstanding any other provision of law and
8 except as otherwise provided in subdivision (b), a state agency
9 may not contract for services with a contractor or subcontractor
10 unless that contractor or subcontractor certifies under penalty of
11 perjury in his or her bid for the contract that the contract, and any
12 subcontract performed under that contract, will be performed
13 solely with workers within the United States.

14 (b) The prohibition in subdivision (a) does not apply if the
15 contractor or subcontractor certifies under penalty of perjury in his
16 or her bid for the contract that the services to be performed under
17 the contract are so specialized that there are not workers within the
18 United States that are trained to perform the services.

19 SEC. 2. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.

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